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on Tuesday, 14 January 1997, at 10.15 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of Morocco (CEDAW/C/MOR/1)

1. At the invitation of the Chairperson, Mr. Zahid (Morocco) took a place at the Committee table.

2. Mr. ZAHID (Morocco), introducing the initial report of Morocco (CEDAW/C/MOR/1), said that the report had been prepared in accordance with the Committee's guidelines on the form and content of reports of States parties.

3. Part one of the report dealt with the general social, political and legal framework, in which connection he noted that the advancement of women was now viewed from a human rights rather than social perspective. Action to promote equality of men and women was based on the principles of Islamic law and the international human rights instruments ratified by Morocco.

4. A number of measures had been adopted to implement the Convention on the Elimination of All Forms of Discrimination against Women, including reform of family law, labour legislation and the Criminal Code. Under the Constitution, any violation of the principle of equality of men and women was subject to legal action.

5. Various methods had been employed to ensure the full enjoyment of fundamental rights and freedoms by women in all areas on an equal footing with men, in respect of legislative measures, education, the media and activities by non-governmental organizations, political parties and government ministries. Nevertheless, much remained to be done, particularly in rural areas and for the most vulnerable groups of women, in which connection a campaign was being undertaken to reduce the rate of illiteracy to 10 per cent by the year 2000.

6. Part two of the report analysed women's civil and political rights, indicating de jure and de facto derogations from the principle of equality of the sexes. In that regard male and female government officials enjoyed the same status, without any discrimination, although certain functions, such as active duty on the police force were not open to women, and there were derogations in favour of women, such as maternity leave, in connection with family needs.

7. The Constitution guaranteed the equality of all citizens concerning the right to education and employment, and there were specific legislative measures to protect female wage-earners with respect to health and morality, for example, the prohibition of the employment of women in dangerous work. The Constitution also protected cultural rights. In addition, Morocco was bound by its commitments in those domains under the relevant international instruments.

8. In the 1990s there had been a significant consolidation of human rights institutions with the establishment of the Advisory Council for Human Rights and the Ministry of Human Rights, as well as various constitutional revisions. A number of legislative measures had been taken to promote human rights in general, and women's rights in particular. The institutional framework had been further complemented by the National Council for Youth and the Future. The National Strategy for the Advancement of Moroccan Women to the Year 2000 would also make an enormous contribution to attaining the aims of the Convention.

9. The Constitution of 13 September 1996 reaffirmed the protection of universally recognized human rights and established a bicameral parliament with increased power of scrutiny over the Government. The new House of Representatives had the authority to establish commissions of inquiry, which would facilitate the promotion of women's rights. Other constitutional provisions provided for censure of the Government and review of the constitutionality of pending legislation, and for the establishment of an economic and social council, which could be called on in connection with all human rights questions. All women now had a full right to enter into contracts and to obtain passports without their spouse's permission. Further legislative action to increase the independence of women in business and in the labour market was pending. Other economic and social measures, such as helping young people to obtain jobs, were applied without discrimination as to sex.

10. The action taken by Morocco to prevent discrimination against women demonstrated the Government's determination to implement its international human rights commitments. The Government was equally determined to continue its efforts to remove the obstacles that remained to the full participation of women in the economic and social development and political life of the country.

11. The CHAIRPERSON invited the members of the Committee to consider the initial report of Morocco.

General observations and comments

12. Ms. ABAKA said that submission of the report by the Government of Morocco marked a step forward. Unfortunately, although the report offered much information, it failed to follow the guidelines established by the Committee, making it difficult to relate it to the articles of the Convention. She hoped that the delegation would link its responses to specific articles.

13. The Government of Morocco had entered reservations in its ratification of the Convention, specifically to articles 2 and 16, which made the enjoyment of human rights by women almost impossible. Those articles constituted the core of the Convention. The Government should reconsider and withdraw its reservations, since they rendered the Convention almost irrelevant.

14. She welcomed the provision of human rights education in law enforcement agencies. The measure should be extended to medical and paramedical personnel, who were the first to see the victims of the domestic violence that was rampant in Morocco and who needed training to recognize victims of human rights violations as such.

15. Ms. OUEDRAOGO said that submission of the report was the first step in the Government's dialogue with the Committee. She welcomed the provision of statistics in the report, which allowed the experts to see the real situation of women. Nevertheless, the failure to follow the Committee's guidelines hindered its work, and an attempt should be made in subsequent reports to provide an article-by-article presentation. The first step in reform was the requisite political will, which, while present in Morocco, needed to be manifested further in order to counter the lack of representation of women in public and working life. There should be national coordination of measures at the ministerial level in that regard.

16. Ms. SCHÖPP-SCHILLING welcomed the portrayal of the situation of women in Morocco and also the timely submission of the report. However, she regretted the failure to follow the Committee's guidelines, which were intended to help members understand the real situation and to promote dialogue. The delegation should follow the guidelines in its responses.

17. The efforts to rescind legislation that restricted women's rights was noteworthy, and it appeared that the political will to move forward existed. Nevertheless, there had been no commitment by Morocco to the Beijing Platform for Action, and she would welcome details of what the Government intended to do to implement it.

18. She had serious concerns over the reservations entered by Morocco in ratifying the Convention because of the view that articles 2 and 16 conflicted with Islamic law. Those reservations struck at the very heart of the Convention and prevented progress by women in family life. While the Government claimed that Islamic law aimed to strike a balance between the spouses in order to promote the coherence of family life, in practice inequality led to violence and constituted a severe impediment to progress by women.

19. Ms. CARTWRIGHT said that it was heartening to see the Government's will to change Moroccan legislation in order to promote the equality of women. However, it was a matter for great concern that it had stated in its reservation to the Convention that it would comply with article 2 provided that the latter did not conflict with the provisions of Islamic law. Article 2 was central to the Convention, and if the Government was unable to accept its provisions, ratification lost its significance. The representative of Morocco should clarify in what way his Government would comply with the spirit and purpose of the Convention if it intended to retain its reservation to article 2.

20. The reservation to article 16 was also a matter of great concern; the Government should clarify why it was considered necessary for a woman, except in rare circumstances, to have the permission of a male relative before she married, and how that was considered to assist in preserving family life and matrimony. The Government should also state how the acceptance of polygamous marriage solely on the part of the male preserved the coherence of family life. She invited the Government to consider the Committee's comment on polygamous marriage, contained in paragraph 14 of General Recommendation No. 21. She also requested clarification of the reason why greater difficulties were placed in the way of women wishing to divorce than in the way of men in the same situation, and whether domestic violence against women was considered a

sufficient reason for a woman to obtain a divorce and financial support. She urged the Government to reconsider its reservations to articles 2 and 16, and asked what steps were being taken to bring Moroccan civil law into line with the provisions of article 15 (4). The effect of the reservations was so pervasive that the Government would have real difficulty in complying with the Convention; she drew attention to the Committee's comment on reservations, contained in paragraph 41 of General Recommendation No. 21.

21. Ms. AOUIJ thanked the representative of Morocco for the useful information contained in his oral presentation. She commended the Government's decision to accede to the Convention, thereby placing itself within the concert of nations committed to comply with international law in respect of women's rights. However, she recalled that it had been made clear at the World Conference on Human Rights that national culture could under no circumstances be invoked to justify discrimination, particularly against women.

22. She recalled that Islam had been the first of the great world religions to specifically lay down certain basic rights for women; Islam was an adaptable religion, and its beliefs were capable of being harmonized with the exigencies of modern life and the consequences of economic and social development. She urged the Government to continue with its efforts to bring domestic legislation into line with the standards of international law in respect of women's rights; it should endeavour to remove the remaining forms of discrimination, which were incompatible with those rights.

23. Ms. GONZÁLEZ said that, while the report contained much useful information, the fact that it had not been drafted in accordance with the Committee's guidelines meant that a clear comparison with the provisions of the Convention was extremely difficult. However, the report showed real political will on the part of the Government to improve the situation of women's rights in Morocco; its ratification of the Convention, as well as the legislative reforms already carried out, were commendable and should not be disregarded.

Article 2

24. Ms. CORTI concurred with the earlier remarks of members of the Committee concerning the Government's reservations to article 2 and the structure of the report. She wondered whether the ratification of the Convention had been published in the Moroccan Official Gazette, and what the status of the Convention in the county's domestic law was. She also asked whether the Government had made similar reservations to other human rights instruments, whether any public debate had been held following the ratification of the Convention, and what steps the Government had taken to give consideration to withdrawing its reservations.

25. Ms. FERRER GÓMEZ said the report showed that the Government was determined to make progress to improve the situation of women's rights in Morocco, but that there were numerous obstacles rooted in cultural traditions. She asked what major changes the Government planned to put into practice in the context of its efforts for the advancement of women, and whether those efforts would extend to civil, economic and socio-cultural rights. She also asked what national mechanism currently existed for the advancement of women.

Article 3

26. Ms. OUEDRAOGO recalled that article 3 of the Convention stipulated that States parties should take all appropriate measures to ensure the full development and advancement of women in all fields, in particular in the political, social, economic and cultural fields. Article 3 was very important in that it implied that both legislative reforms and political will were equally essential. It should be borne in mind that legislative changes were only a means to an end, and that the ultimate goal must be the achievement of concrete changes. That in turn required that there should be an appropriate national mechanism having the necessary powers. It was for each Government to determine which ministry was best qualified to implement the necessary changes; in many countries it was the Ministry of Justice. It was important that such efforts should be carried out not only by jurists, but also by technicians experienced in working with women at the grass-roots level. Women must also be actively involved in efforts to overcome the cultural inertia which, particularly in a number of African countries, both Islamic and Christian, made it more difficult to bring about change.

27. Ms. CORTI asked whether the Ministry of Human Rights acted as the central coordinating point for the Government's entire women's rights policy and what methods and structures were in place for the concrete implementation of that policy; she also wondered what the role of the Moroccan Economic and Social Council was in that respect.

28. Ms. BARE congratulated the representative of Morocco for the timely presentation of his Government's initial report; that showed a real political will to improve the status of women. She requested additional information regarding the exact political status of the National Committee for Women. She also wondered what influence women's organizations had on gender mainstreaming policies, and what legal and literacy programmes for women had been created.

Article 5

29. Ms. ACAR commended the Government for its ratification of the Convention and for its considerable efforts to comply with its provisions. Although the Government clearly had the political will to improve the status of women, concrete and vigorous implementation and the creation of appropriate mechanisms were even more important, as was the ability to translate that political will into the nation's cultural consciousness. She wondered what efforts the Government was making to educate the public in order to eliminate any prejudice or discrimination against women existing in customary practices and cultural attitudes, and to promote women's participation in public life.

30. Ms. Yung-Chung KIM said that the success of efforts to narrow the gap between de jure and de facto equality between men and women depended to a great extent on the education imparted in schools. She wondered whether the Moroccan Government and people had shown any interest in narrowing that gap and in eliminating the prevailing stereotypes about the respective roles of the sexes in society. In that connection, initiatives for reform must come not only from the Government but also from women themselves. She also wished to know whether programmes in family life education existed and, if so, who the initiators of

such programmes were, what their content was and to what extent the media contributed to their promotion.

Article 6

31. Ms. BUSTELO GARCÍA DEL REAL expressed the hope that the constitutional reforms currently under way in Morocco would lead to greater equality for women and to the removal of that State's reservations to the Convention. It was for the Government of Morocco to adopt a comprehensive national programme of special measures to promote equality between men and women. She noted that the initial report of Morocco contained no references to article 6 of the Convention, under which States parties were required to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. It was important to know whether such legislation had been enacted and, if so, how it was being enforced and what provisions it contained for the punishment of those guilty of its violation. If prostitution was illegal, what punishment did the law provide for prostitutes and their clients? Was punishment meted out in practice, and was the punishment the same for both prostitute and client? If, on the other hand, prostitution was legal, what measures were in place to prevent the exploitation of women and the violation of their rights? What were the prevailing social attitudes towards prostitution, and what measures had been taken to safeguard the health of prostitutes and protect them from acts of violence, including rape? With regard to the traffic in women and girls, she wished to know what measures had been taken by the Government to prevent migrant women from falling into the hands of traffickers. Specific policies were needed to protect migrant women in both the sending and receiving States. The subject of the traffic in women had remained hidden for too long, and it was time for the Committee to shed light on that shameful reality.

32. Ms. JAVATE DE DIOS said that Morocco's ratification of the Convention and the legal reforms which it was currently undertaking, though laudable, were but initial steps which must be accelerated in order to effectively improve the status of women in Morocco. The laws which had been amended dealt with minor rights, while other far-reaching laws which restricted the rights of women remained in force.

33. Morocco's initial report contained no data on battered women and on the incidence of rape and sexual harassment in a society in which increasing numbers of women were entering the workforce. The Committee would welcome additional data on that subject.

34. Paragraph 98 of the report stated that the practice of prostitution was punishable by law. It would be interesting to know what punishments were provided and whether male clients received equal punishment. Data on the incidence of prostitution and on the traffic in women and girls would also be welcome.

Article 7

35. Ms. ACAR asked whether any efforts were being made to promote the participation of women at decision-making levels in the judiciary, particularly in the revision and implementation of the Personal Status Code.

36. Ms. CORTI said she was astonished at the absence of participation by women in the political life of Morocco, which was a modern democratic State situated geographically close to Europe, where movements seeking greater equality for women were very vibrant. She wondered how it was possible to continue to build a modern State if only two women were members of Parliament, whereas women constituted the majority of Morocco's population. Women were also absent at the decision-making levels of trade unions and political parties and, while a fair number of women were candidates for office at the local government level, few were elected.

Article 9

37. Ms. JAVATE DE DIOS noted that, under current law, the Moroccan wife of a foreigner could not pass her nationality on to her children and wondered if any changes in the law governing nationality had been envisaged.

Article 10

38. Ms. BUSTELO GARCÍA DEL REAL welcomed the progress which Morocco had made in improving access by women and girls to education, especially in the rural areas. A number of questions still needed to be clarified, however. Were educational programmes being implemented in the manner envisaged by the Moroccan Government? Were there differences between Koranic and modern schools? Did boys and girls attend the same schools and follow the same curricula? Were equal amounts spent on the education of boys and girls? Were programmes in place to teach equality between the sexes as an essential aspect of human rights? Did human rights form part of school curricula? Did young people have access to information on family planning and contraceptives? Could a husband force his wife to leave school if she became pregnant?

39. Ms. BARE asked what strategy was being followed to eradicate illiteracy, what resources were being devoted to that effort and how the campaign was being managed.

40. Ms. FERRER GÓMEZ asked what steps were being taken by the Ministry of Human Rights and the Ministry of Education to integrate equality of women and the gender perspective into the system of education and to promote a culture of the human person in Morocco.

41. Ms. JAVATE DE DIOS asked how the Government of Morocco was trying to enhance the image of women as self-assured human beings with abilities and talents and not just as mothers, how the promotion of human rights education was also promoting women's human rights and how that was reconciled with women's roles and obligations under Islamic law.

Article 11

42. Ms. GONZÁLEZ sought clarification of what was meant by "immoral work for women" in paragraph 176 of the report, and by the reference in paragraph 183 to the prohibition of women from engaging in "work of an immoral nature". With regard to the types of activities prohibited to women, it would be interesting to learn why women could not be employed to work in freezers, on hand-operated wool-combing machines and at pedal-operated sewing machines. She also wished to know whether women received equal pay for equal work in the agricultural, service, industrial and commercial sectors and whether they were represented at decision-making levels in trade unions. Finally, the Committee would welcome information on the efforts being made to eradicate illiteracy and increase the participation of women in the economic and social life of the country.

43. Ms. SCHÖPP-SCHILLING noted that women did not seem to enjoy equal status with men in employment in the public and private sectors and wondered what legislative measures had been adopted to eliminate discrimination against women in employment. While legislation that was protective of women was appropriate to a certain stage of a society's development, at a later stage such legislation actually impeded the society's progress towards equality. It would be helpful to know the number of complaints of job discrimination that had been brought before the courts, and by whom. She also believed that the prohibitions against transporting loads by tricycle and bicycle and working at pedal-operated sewing machines were outdated and should be removed.

44. Morocco had not responded to General Recommendation No. 9 of the Committee, which called for data disaggregated according to gender. Accordingly, the provision of data such as the percentage of females in the workforce, the percentage of unemployed women, the percentage of women receiving the minimum wage and the percentage of women in the top brackets of the salary scale, was important so that the Committee could have a better overall picture of the situation of women in employment. She wished to know why women were denied the right to work in certain areas such as the police or customs services. Those aspects of Morocco's legislation needed to be reviewed to give women equal access to the public sector.

45. She wanted to know what action was envisaged by the Government of Morocco to remove the de facto obstacle of age limits for access to public employment. She wondered whether any discrimination suits in the area of maternity leave had been filed by women, and whether the Government intended to tighten the enforcement of that legislation. Did the Government have any plans to lengthen the period of post-natal maternity leave which, in her view, seemed to be very short when compared to other countries.

46. Ms. RYEL said she hailed the reforms regarding women engaged in commerce as yet another sign of the Moroccan Government's determination to promote the advance of women. The representative of Morocco should, however, elaborate more on the meaning of "immoral work for women".

47. Ms. JAVATE DE DIOS asked about the implications of "good morals" when a woman applied for a job. Noting the considerable increase in the number of Moroccan migrant workers in other countries, she wondered whether the Moroccan Government had mechanisms to protect such migrant workers, particularly women. She wished to know whether the increase in the number of women workers was a reflection of the relaxation of legislation limiting women or of economic necessity.

48. Ms. FERRER GÓMEZ asked the representative of Morocco to explain how women's work could damage society and why certain types of work were prohibited to women. She was also not very clear about the meaning of paragraphs 153 and 154. Noting that there appeared to be differences in wages for work of equal value, she wondered whether the labour code under preparation would include any of the questions being raised by the Committee and whether there would be further progress on positive legislation for women's access to work on an equal footing with men. The Committee would also appreciate seeing statistics disaggregated by different categories of work.

Article 12

49. Ms. JAVATE DE DIOS asked if women's health concerns other than childbirth were addressed by the health-care system.

50. Ms. ABAKA requested information on the main causes of maternal and infant mortality and female morbidity in Morocco, and on the maternal mortality rate. The data on infant mortality should be disaggregated. Information should also be provided on the average number of live births per woman in Morocco and the fertility rates of the average Moroccan woman, the most common contraceptives used in Morocco, whether men were involved in the family planning programme both as implementers and beneficiaries, whether husbands were required either by law or in practice to give their permission before a married woman could receive health services, including family planning. Was pre-natal foetal testing available in Morocco? If so, what was the incidence of abortion following such testing, and what were the major reasons for such abortions? Noting that the many institutionalized legal justifications and societal discrimination which often gave rise to domestic violence had a serious impact on the physical and mental health of women, she asked for information on the percentage of female mental patients in Morocco.

51. Ms. SHALEV endorsed the concerns expressed about the reservations to the Convention and about the compatibility of such reservations with the spirit of the Convention. She wondered whether Morocco's efforts to reduce the rate of demographic growth had taken into account the provisions of the Cairo Programme of Action and the Beijing Declaration and Platform for Action in the area of women's reproductive health, and whether such efforts had been targeted at special groups in Moroccan society, in particular rural women.

52. As far as the section on women and health was concerned, more and updated information should be provided in order to enable the Committee to measure the progress achieved since 1990. The high maternal mortality rate of 500 per 100,000 reported by independent sources was a matter of serious concern. Information should also be provided on the incidence of teenage pregnancy.

Since professional attendance could reduce mortality rates, she wondered whether any efforts had been made to increase the availability of trained professional health services for women in childbirth. What proportion of overall public expenditure on health had been allocated to reduce maternal mortality?

53. She wondered whether abortion was permissible under any other circumstances. If not, what were the consequences to a woman of undergoing abortion? Had any efforts been made, on the basis of a commitment to women's health and well-being, to reduce the number of deaths and morbidity from unsafe abortions? What health-care provisions existed for women with incomplete abortions? The high maternal mortality rate was a violation of women's fundamental right to life and to bodily integrity. She wondered whether any special measures were in place to ensure full and timely access of all women to emergency obstetric care.

54. Noting that the additional information provided by Morocco indicated a significant increase in the prevalence of contraception among rural women, she asked what methods were being used, who covered the expenses of contraception and what family planning and reproductive health services were available. How many and what percentage of women in Morocco had access to such services and in what regions of the country were they available? The Committee also wished to know what resources had been allocated to reproductive health services compared to public national expenditure on health, and whether there were any legal, social or cultural obstacles to women receiving reproductive health services.

55. The Committee was very interested in receiving gender-disaggregated data on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). The rapid increase in the past few years in the female/male ratio of HIV/AIDS infection was particularly alarming given the inequality of men and women within the context of a system of polygamy. Women's submission to men increased their vulnerability to exposure to infection with sexually transmitted diseases. In that regard, she wondered what measures had been taken to educate women on their sexual health and rights, and to empower them to protect themselves against exposure to sexually transmitted diseases from their legal spouses. Violence against women was a matter of women's health. The Government of Morocco should therefore review article 418 of its Criminal Code with a view to abolishing it. Violence was a major infringement of women's right to physical and emotional health. In that regard, she referred the Government of Morocco to General Recommendation No. 19 of the Committee, in particular paragraphs 24 (c), 24 (g), 24 (k), 24 (o), and 24 (r).

The meeting rose at 1 p.m.